

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

17-CR-162-V

RAMONE WESTBROOK,

**DECISION AND ORDER**

Defendant.

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1. On May 2, 2018, the defendant, Ramone Westbrook, pleaded guilty to Count 1 of the indictment charging a violation of Title 21, United States Code, Section 846 (conspiracy to distribute 5 kilograms or more of cocaine and 280 grams of more of cocaine base). Docket Item 1.

2. On May 2, 2018, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 74.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Schroeder's Report & Recommendation (docket item 74), the plea agreement (docket item 73), the indictment (docket item 1), a transcript of the digital FTR recording of the plea proceeding (docket item 91), and the applicable law. This Court finds no legal or factual error in Judge Schroeder's Report & Recommendation and therefore adopts Judge

Schroeder's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 1 of the indictment.

IT IS HEREBY ORDERED that this Court adopts Judge Schroeder's May 2, 2018 Report & Recommendation, Docket Item 74, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Ramone Westbrook, is now adjudged guilty under Title 21, United States Code, Section 846.

SO ORDERED.

Dated: July 18, 2018  
Buffalo, New York

*s/ Lawrence J. Vilardo*  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE